

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Stephan Kwiatkowski, et al. 10/715,904

Serial No.: Filed:

Art Unit: 1625 11/18/03 Examiner: Seaman

Entitled:

Stereospecific Enrichment of Heterocyclic Enantiomers

TERMINAL DISCLAIMER **UNDER 37 C.F.R. §1.321(C)**

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: December 22, 2005

Madam:

I, Thomas W. Brown, represent that I am an attorney of record in the prosecution of the patent application captioned above. The Assignee of this patent application R. T. Alamo Ventures I, LLC, 8501 Wilshire Boulevard, Suite 318, Beverly Hills, CA, 90211) is the owner of one-hundred percent (100%) interest in the instant application. The assignment from the inventors was recorded, on June 28, 2004, in the Patent and Trademark Office at Reel 015525, Frame 0492.

The Petitioners hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 6,649,764 and hereby agrees that any patent so granted on the above-identified instant application shall be enforceable only for and during such period that the legal title to said patent be the same as the legal title to the above referenced allowed patent application, this agreement to run with any patent granted on the above-identified instant application and to be binding upon the grantee, its successors or assigns.

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Attorney Docket No. CUTLER-08294

In making the above disclaimer, petitioner does not disclaim the terminal part of any

patent granted on the instant application that would extend to the expiration date of the full

statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any

terminal disclaimer, in the event that, once issued, the patent corresponding to U. S. Patent No.

6,649,764 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by

a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed

under, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise

terminated prior to the expiration of its full statutory term.

I hereby declare that all statements made herein of my own knowledge are true and that

all statements made on information and belief are believed to be true; and further that these

statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code and that such willful false statements may jeopardize the validity of the application or any

patent issued thereon.

The undersigned is empowered to act on behalf of the Assignee.

Dated: December 22, 2005

Thomas W. Brown

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